

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

GARLAND L. WALDROOP, II,)
)
Plaintiff,)
)
vs.) Case No. CIV-07-1001-F
)
JOSEPH SCIBANA, Warden,)
)
Defendant.)

ORDER

In this action petitioner, a federal prisoner, seeks habeas relief under 28 U.S.C. § 2241. Petitioner appears *pro se*, and his pleadings are liberally construed.

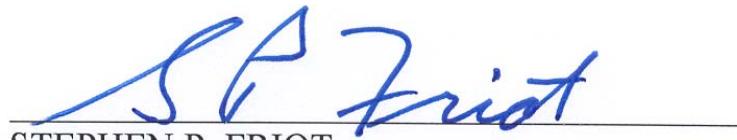
Magistrate Doyle W. Argo entered his Report and Recommendation in this matter on March 26, 2008. (Report, doc. no. 13.) In that Report, the magistrate judge recommended that respondent's motion to dismiss the petition (doc. no. 9) be granted, and that this action be dismissed without prejudice for petitioner's failure to exhaust his administrative remedies or, alternatively, as moot. The Report further advised petitioner of his right to file an objection to the Report by April 15, 2008. No objection has been filed, and no request for any additional extensions has been made. The Report also advised that failure to make timely objection to the Report waives the right to appellate review of the factual and legal issues addressed in the Report.

After review of the Report, the record, and the relevant authorities, and with there being no objection, the court finds and concludes that it concurs with the magistrate judge's determinations and that no purpose would be served by repeating those determinations, or any analysis, here.

Accordingly, the Report and Recommendation of Magistrate Judge Doyle W. Argo is **ACCEPTED, ADOPTED, and AFFIRMED** in its entirety. For the reasons

stated in the Report, respondent's motion to dismiss the petition (doc. no. 9) is **GRANTED**, and the petition is **DISMISSED** without prejudice for petitioner's failure to exhaust his administrative remedies or, alternatively, as moot.

Dated this 30th day of April, 2008.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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